

REMARKS

The present Amendment is responsive to the final Official Action of September 12, 2007. In the final Official Action, all of the pending claims were rejected under 35 U.S.C. § 102(b) as being anticipated by the international publication WO 02/057959 A2 to Rothmuller *et al.* ("Rothmuller"). In addition, several claims were subject to a provisional double patenting rejection.

By this Amendment, independent Claim 26 has been amended to include the recitations of Claim 27 depending therefrom, and Claim 27 has been canceled. This action has been undertaken in order to place the claims in better condition for appeal. Reconsideration of the claims in view of the preceding amendments and the following remarks is respectfully requested.

Applicants would like to thank the Examiner for extending the courtesy of a telephonic interview to Applicants' representative, which interview conducted on November 14, 2007 and the content of which is discussed below in the course of discussing the outstanding claim rejections.

I. Rejections of Independent Claims 1 and 35

Independent Claim 1 of the present application reads as follows:

1. A product for providing access to media files on a digital device, the product comprising:
 - a computer-readable storage medium; and
 - computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising:
 - first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time; and
 - second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline.

Independent Claim 35 also includes a recitation of “second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline . . .” similar to that in Claim 1.

Applicants had previously argued in an Amendment dated July 9, 2007 that Claims 1 and 35 could be distinguished from *Rothmuller* at least due to the fact that *Rothmuller* fails to teach “second instructions for generating a timeline view that . . . provides access to the at least one digital media file according to periods of time defined in the timeline **and according to events represented in the timeline**,” as recited in Claims 1 and 35. The final Official Action, however, erroneously characterized this argument as suggesting that “the prior art does not teach or suggest a ‘timeline view that provides access to at least one digital media file **according to periods of time**’.” See p. 4, first ¶. To this fabricated argument, the final Official Action responds that “in contrast to the applicant’s argument,” *Rothmuller* “does teach timeline view showing adjustable time bands can be moved to find all photo within timestamp.” See p. 4, second ¶. As such, the final Official Action is not responsive to Applicants’ prior arguments regarding Claims 1 and 35.

Further, as stated in the Amendment of July 9, 2007, Applicants respectfully submit that *Rothmuller* does not disclose events that are “represented in a timeline,” but instead simply discusses categories of “event tags” that might be associated with an image by being included in the metadata of an image. As such, *Rothmuller* does not teach or suggest a timeline view that provides access to at least one digital media file according to periods of time defined in the timeline and according to events in the timeline, as required by amended Claims 1 and 35. For at least this reason, Applicants respectfully submit that independent Claims 1 and 35, as well as the claims respectively depending therefrom, are patentable over *Rothmuller*.

II. Rejections of Independent Claim 26 and Dependent Claim 27

Amended independent Claim 26 reads as follows:

26. A method for digital media management in a digital device, the method comprising:

- receiving, at the digital device, a digital media file having metadata associated with the digital media file;
- transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata;
- providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time; and
- providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view.

Applicants had previously argued in the Amendment of July 9, 2007 that that *Rothmuller* fails to teach “providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view” as recited in amended Claim 26. In conjunction with this argument, Applicants had noted that *Rothmuller* discloses only a timeline that includes “time bands” (*i.e.*, markers on a timeline) that can be moved along the timeline to limit the temporal range of consideration when searching for objects in a database, and does not teach or suggest a timeline that can be scrolled in order to locate media files, as recited by amended Claim 26.

To this argument, the final Official Action responded that “in contrast to the applicant’s argument,” *Rothmuller* “does teach timeline view showing adjustable time bands can be moved to find all photo within timestamp.” *See* p. 4, fourth ¶. As such, the final Official Action was unresponsive to Applicants’ arguments regarding the dissimilarity between “scrolling a timeline” and the “timebands” of *Rothmuller*. However, during the telephonic interview of November 14, 2007, the Examiner indicated a view that *Rothmuller* did teach the scrolling of a timeline in Fig. 3, specifically through the inclusion of left-facing and right-facing arrows at the lower left and right corners of the timeline shown in that figure. The Examiner adopted this view in spite of the fact that (1) the function of the arrows is never discussed in *Rothmuller* and (2) *Rothmuller*

explicitly discloses the movement only of “timebands” within the timeline, and nowhere discusses movement of the timeline itself, and as such the use of the arrows in moving the timebands is a plausible function to attribute to the arrows. For at least these reasons, Applicants respectfully submit that *Rothmuller* does not disclose “providing the user the ability to locate digital files within the media view by scrolling a timeline that is displayed in conjunction with the media view” as recited in Claim 26, and that Claim 26, and the claims depending therefrom, are patentable over *Rothmuller*.

III. Rejection of Independent Claim 29

Independent Claim 29 reads as follows:

29. A method for defining media file representation in a media view of a media diary application, the method comprising:
receiving a media file having associated metadata information;
determining a manner in which the media file will be represented in a media view of the media diary; and
individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation.

Applicants had previously argued in the Amendment of July 9, 2007 that *Rothmuller* does not disclose, at least, “individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation,” as recited in Claim 29. Rather, Applicants had argued, *Rothmuller* discloses (i) displaying a distribution of objects stored in a database (and not the objects or representations thereof individually) as a histogram along a timeline or in a calendar view, and also (ii) displaying images associated with a search in an image area, the image area being associated with the search and not with a date. The final Official Action had responded that *Rothmuller* “does teach photos displayed in vertical bar, which represent date of the particular periods”, citing Fig. 3; Fig. 4; p. 8, ll. 27-31; and p. 9, ll. 1-14 of *Rothmuller* for support. See p. 4, sixth ¶. However, these portions of *Rothmuller* do not address the display of individual media file representations, but rather disclose the presentation of bar graphs and histograms that represent a

number of media files associated with certain dates. As such, Applicants respectfully submit that *Rothmuller* does not disclose “individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation,” as recited in Claim 29, and that Claim 29, and the claims depending therefrom, are patentable over *Rothmuller*.

IV. Provisional double patenting rejections

In the Amendment dated July 9, 2007, Applicants requested that the provisional double patenting rejections be held in abeyance until such time as at least one of the cited patent applications issues as a patent. The final Official Action was silent as to whether such rejections would be held in abeyance. Applicants hereby again request that all of the provisional double patenting rejections be held in abeyance until such time as at least one of the cited patent applications issues as a patent.

CONCLUSION

In view of the amended claims and the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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LEGAL02/30622012v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER 12, 2007.